

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

RON BALDEO AND  
SHARON BALDEO,

Case No. 09-75481

Chapter 13

**NOTICE OF MOTION**

Debtor.

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On the annexed affirmation of Jordan S. Katz dated December 15, 2009 and the exhibits annexed thereto, LITTON LOAN SERVICING LP ("LITTON"), as servicing agent for DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR FREMONT HOME LOAN TRUST 2004-4 ASSET BACKED- CERTIFICATES, SERIES 2004-4 ("DEUTSCHE"), a secured creditor, will move this court before the Hon. ROBERT E. GROSSMAN, United States Bankruptcy Judge, on the 3rd day of February, 2010 at 9:30 AM o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, at the courthouse located at 290 FEDERAL PLAZA CENTRAL ISLIP NY 11722 for an order pursuant to §362(d)(1) & (2) of the Bankruptcy Code modifying the automatic stay so that DEUTSCHE, as secured creditor, can foreclose the mortgage it holds on the premises known as 164 WEST MARKET STREET, LONG BEACH, NY 11561 on the grounds that (a) DEUTSCHE is not adequately protected; (b) debtor has failed to make post-petition payments and (c) for such other and further relief as this Court deems just and proper.

Dated: Melville, New York  
December 15, 2009

LAW OFFICES OF JORDAN S. KATZ

/s/ Jordan S. Katz

By: Jordan S. Katz, Esq.  
Attorneys for Movant  
395 N Service Rd  
Suite 401  
Melville, New York 11747  
(631)454-8059

TO: MICHAEL J. MACCO  
135 PINELAWN ROAD SUITE 120 SOUTH MELVILLE, NY 11747

ROBERT H. SOLOMON  
ATTORNEY FOR DEBTOR  
24 EAST PARK AVE. POB 58  
LONG BEACH NY 11561

RON BALDEO AND SHARON BALDEO, Debtor  
164 West Market St  
Long Beach NY 11561

U.S. Trustee  
560 Federal Plaza  
Room 560  
Central Islip, NY 11722

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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Case No. 09-75481

In Re:

Chapter 13

RON BALDEO AND  
SHARON BALDEO

**AFFIRMATION**

Debtors.

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JORDAN S. KATZ, under penalty of perjury, deposes and says:

1. I am the attorney for LITTON LOAN SERVICING LP, ("LITTON"), servicing agent for DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR FREMONT HOME LOAN TRUST 2004-4 ASSET BACKED- CERTIFICATES, SERIES 2004-4 ("DEUTSCHE"), and am fully familiar with the facts and circumstances hereinafter set forth. Said information and belief being as a result solely of documentation provided to me by LITTON. Any and all representations made by your affiant are based entirely upon said information. I submit this affirmation in support of DEUTSCHE's notice of motion for an order pursuant to §362(d)(1) & (2) of the Bankruptcy Code modifying the automatic stay so that DEUTSCHE, as secured creditor, can recover possession of the premises known as 164 WEST MARKET STREET , LONG BEACH, NY 11561 ("Property"), for cause; and for such other and further relief as this Court deems just and proper. A copy of the proposed order is annexed hereto as Exhibit "A".

2. On September 1, 2004, for valuable consideration, and for the purpose of securing payment to Mortgage Electronic Registration System as Nominee for Fremont Investment and loan of the sum of \$400,000.00, with interest thereon, Debtor(s) herein ("DEBTORS") duly executed,

acknowledged and delivered to Mortgage Electronic Registration System as Nominee for Fremont Investment and loan his/her/their mortgage note dated that date, whereby DEBTORS bound himself/herself/themselves to Mortgage Electronic Registration System as Nominee for Fremont Investment and loan in the amount of \$400,000.00 with interest thereon (the "Note"). As collateral security for the payment of the aforesaid indebtedness, DEBTORS, on the same day, duly executed, acknowledged and delivered to Mortgage Electronic Registration System as Nominee for Fremont Investment and loan his/her/their mortgage in the sum of \$400,000.00. The mortgage was duly recorded in the Office of the Clerk of the County of Nassau on October 21, 2004 in Liber M 27768 at Page 616 (the "Mortgage"), whereby DEBTORS mortgaged to Mortgage Electronic Registration System as Nominee for Fremont Investment and loan, its successors and assigns forever, the Property. On March 1, 2007 the Mortgagor entered into a loan modification increasing the Principal Balance to \$410,871.90. On April 25th 2008 the Mortgagor entered into a second loan modification increasing the Principal Balance to \$431,822.16. Mortgage Electronic Registration System as Nominee for Fremont Investment and loan assigned all of its rights and interest in said mortgage to DEUTSCHE by way of an assignment dated April 10, 2008, which is being recorded by the county clerk of NASSAU. Any applicable mortgage tax was duly paid simultaneously with said recordation. A copy of the Note and Mortgage and Assignment are annexed hereto as Exhibit "B".

3. DEBTORS has/have failed, neglected and refused to comply with the provisions of the Note and Mortgage by failing to make and pay the installment of principal and interest despite due demand therefor. Said default has continued for more than fifteen (15) days after the due date thereof.

4. By reason of the aforesaid, DEUTSCHE has elected to declare the unpaid principal sum of the Note and Mortgage in the sum of \$428,191 with interest thereon at 7.25%, to be immediately due and payable.

5. On July 24, 2009, a voluntary petition under Chapter 13 of the United States Bankruptcy Code was entered and filed by the DEBTORS. After crediting the DEBTORS for all post petition payments received, the DEBTORS are due for their AUGUST, SEPTEMBER, OCTOBER, NOVEMBER, DECEMBER 2009 payment and also at the date of this motion JANUARY 2010 will be due as well.

6. LITTON as servicing agent for DEUTSCHE hereby requests relief from the automatic stay pursuant to 11 U.S.C. 362 (D) (1) & (2) to foreclose the mortgage on the Property, for cause, due to DEBTOR's failure to make post-petition payments.

**WHEREFORE**, LITTON respectfully requests that the relief herein requested by granted in all respects.

Dated: Melville, New York  
December 15, 2009

/s/ Jordan S. Katz  
JORDAN S. KATZ

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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Case No. 09-75481

In Re:

Chapter 13

RON BALDEO AND  
SHARON BALDEO

**ORDER LIFTING THE  
AUTOMATIC STAY**

Debtor.

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Upon reading and filing the Notice of Motion dated December 15, 2009, the Affirmation of Jordan S. Katz, Esq., dated December 15, 2009 and the exhibits annexed thereto on behalf of DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR FREMONT HOME LOAN TRUST 2004-4 ASSET BACKED- CERTIFICATES, SERIES 2004-4 ("DEUTSCHE") by LITTON LOAN SERVICING LP, its servicing agent, by its attorneys Jordan S. Katz, Esqs., for an Order pursuant of 11 U.S.C. §362(d) (1) & (2) granting relief from the automatic stay to foreclose the mortgage it holds on the property owned by the Debtor and located at 164 WEST MARKET STREET , LONG BEACH, NY 11561 (the "Property"); and there being no opposition thereto by the United States Trustee or MICHAEL J. MACCO, Trustee, and there being no appearance by the Debtor, or their attorneys, and sufficient cause appearing therefore; it is

**ORDERED**, that automatic stay is hereby modified pursuant to 11 U.S.C. §362 (d) (1) & (2) to allow DEUTSCHE to foreclose the mortgage it holds on the Property, and it is further,

**ORDERED**, that the movant shall immediately provide an accounting to the trustee of any surplus monies realized.

Dated: , New York

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Hon. ROBERT E. GROSSMAN,